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**DECISION MEMO**  
**KELM ACCESS**  
**U.S. FOREST SERVICE**  
**COLD SPRINGS-POTEAU RANGER DISTRICT**  
**SCOTT COUNTY, ARKANSAS**

**BACKGROUND**

The purpose of this project is to authorize access to Kenneth Kelm across approximately 0.25 mile of National Forest System (NFS) land to connect his private campground to FS Road 218 for the purpose of ATV access to Fourche Mountain ATV Trail system. Access would be provided by an existing Arkansas Valley Electric right-of-way in order to keep ATV's from traveling on Hwy. 270. Access would be on NFS land in Compartment 1308 located in Section 22, Township 1 North, Range 28 West in Scott County, Arkansas.

**DECISION**

I have decided to authorize a special use permit for the use identified above. This activity falls into categories of action that may be excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA), which the Chief of the Forest Service has determined will not have a significant effect on the human environment:

Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land. (36 CFR 220.6(e)(3))

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – the action will have no effect or impact on PETS species. Also reviewed was the Regional Forester's (USDA Forest Service Region 8) Sensitive species list with a determination that the subject use will have no impact on any Sensitive species (except Waterfall's sedge) or habitat occurring on the district. The determination of effects on Waterfall's sedge is that the proposal **“may impact individuals, but not likely to cause a trend to federal listing or loss of viability”** for this species. (Biological Evaluation, p. 18).
- Flood plains, wetlands, or municipal watersheds – no adverse impacts to floodplains, wetlands, or municipal watersheds are expected with continued use of the existing driveway.

- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – none are present within the project area; none will be affected.
- Inventoried roadless areas or potential wilderness areas – none are present within the project area; none will be affected.
- Research natural areas – none are present within the project area; none will be affected.
- American Indians and Alaska Native religious or cultural sites – none are present within the project area; none will be affected.
- Archaeological sites, or historic properties or areas –no known archaeological sites or historic properties or areas will be affected by this undertaking. Concurrence from Arkansas State Historic Preservation Office was received on July 29, 2019.

### **PUBLIC INVOLVEMENT**

A letter initiating scoping for this project was mailed to individuals and organizations on the District NEPA mailing list on June 19, 2019 inviting comments and input. Two comments expressing opposition or concern were received. Comments received raised issues outside of the scope of this decision. This decision is consistent with the Ouachita National Forest vision to provide a wide variety of recreation opportunities and is not considered to be precedential in nature.

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Revised Forest Plan as required by the National Forest Management Act.

### **ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES**

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (pre-decisional objection process) (Agriculture Act of 2014, Subtitle A, Sec. 8006).

### **IMPLEMENTATION DATE**

The project may be implemented immediately.

### **CONTACT**

For additional information concerning this decision contact Dava Bauer, Cold Springs-Poteau Ranger District, P.O. Box 417, Booneville, AR 72927, telephone 479-637-4174 or e-mail [dava.bauer@usda.gov](mailto:dava.bauer@usda.gov).



/s/ Lori Bell for

11/10/2020

TROY HEITHECKER  
Forest Supervisor

Date

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